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HOUSE BILL 476

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO EDUCATION; ENACTING THE STUDENT ALTERNATIVES ACT;
PROVIDING ALTERNATIVE EDUCATIONAL ACTIVITIES FOR HIGH SCHOOL
DROPOUTS; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Student Alternatives Act".

Section 2. DEFINITIONS.--As used in the Student
Alternatives Act:

- A. "board" means the student alternatives board;
- B. "department" means the department of finance
and administration;
- C. "school alternative" means a:

(1) governmental entity, including the New
Mexico youth conservation corps or a charter school, that

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1 enters into a joint powers agreement with the department to
2 provide alternative educational opportunities for students; or

3 (2) nonprofit corporation or for-profit
4 corporation that contracts with the department to provide
5 alternative educational opportunities for students; and

6 D. "student" means a person between the ages of
7 fourteen and eighteen who has been disenrolled from a public
8 school for any reason in the prior school year or whose
9 attendance or conduct indicate that he may not meet graduation
10 requirements provided in Section 22-2-8.4 NMSA 1978.

11 Section 3. PILOT PROJECT--ALTERNATIVE EDUCATION. --

12 A. The department shall develop a pilot program to
13 provide alternative educational opportunities for students.

14 B. The pilot program shall run until June 1, 2004.

15 Section 4. ALTERNATIVE EDUCATION--STUDENTS. --

16 A. The department shall enter into either a joint
17 powers agreement or contract with each school alternative to
18 provide educational services for students. The joint powers
19 agreement or contract shall contain a provision that provides
20 for a salary increase for any teacher employed at a school
21 alternative whose students show improvement in academic
22 achievement or attendance. The joint powers agreement or
23 contract shall also contain a provision that provides more
24 funding to any student alternative whose students are shown
25 based on an independent analysis to have improved in the area

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1 of academic achievement and attendance.

2 B. A school alternative shall actively recruit
3 students to provide them with alternatives to the curricula
4 offered in the public schools.

5 C. Students enrolled in a school alternative shall
6 be held to the graduation requirements provided in Section
7 22-2-8.4 NMSA 1978.

8 D. School alternatives may contract for services,
9 including transportation, emergency medical services, food
10 services and security, necessary to provide educational
11 services to students.

12 E. School alternatives shall not operate on the
13 same site with another public school.

14 F. School alternatives shall be exempt from the
15 requirements of the School Personnel Act.

16 G. School alternatives shall be evaluated by
17 student attendance, retention, academic achievement and the
18 number of students who pass the New Mexico high school
19 competency examination.

20 H. School alternatives shall enroll no less than
21 one hundred students and no more than two hundred students.

22 Section 5. BOARD--FUNDING.--

23 A. The "student alternatives board" is created.

24 B. The board shall be comprised of:

25 (1) two members of the house of

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1 representatives to be appointed by the speaker of the house of
2 representatives;

3 (2) two members of the senate to be appointed
4 by the president pro tempore of the senate;

5 (3) two representatives of the business
6 community to be appointed by the governor;

7 (4) two members of the state board of
8 education to be appointed by the president of the state board
9 of education; and

10 (5) three members of the education community
11 to be appointed by the governor.

12 C. The members of the board shall elect a
13 president, a secretary and a treasurer.

14 D. The department shall staff the board.

15 E. The board shall:

16 (1) review proposals submitted by applicants
17 to become student alternatives;

18 (2) allocate funding to the student
19 alternatives selected;

20 (3) ensure that no more than twenty-five
21 percent of available funding is allocated to any one student
22 alternative; and

23 (4) evaluate the performance of student
24 alternatives.

25 F. The board shall report annually to the

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1 legislative finance committee, the legislative education study
2 committee and the governor prior to October 15. The report
3 shall include the amount of funding that students enrolled in
4 school alternatives would have generated if they were enrolled
5 in a public school.

6 G. The department shall request funding for the
7 provisions of the Student Alternatives Act in its annual
8 budget request.

9 Section 6. APPROPRIATION. -- Three million dollars
10 (\$3,000,000) is appropriated from the general fund to the
11 department of finance and administration for expenditure in
12 fiscal years 2000 through 2005 for the purpose carrying out
13 the provisions of the Student Alternatives Act. No more than
14 twenty-five percent of the appropriation may be used to
15 contract with any one school alternative. Any unexpended or
16 unencumbered balance remaining at the end of fiscal year 2005
17 shall revert to the general fund.

18 Section 7. EMERGENCY. -- It is necessary for the public
19 peace, health and safety that this act take effect
20 immediately.